

Docket No. 043978-010000

Serial No. 09/935,873

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The above Amendments and these Remarks are submitted under 35 U.S.C. § 132 and 37 C.F.R. § 1.116 in response to the final Office Action mailed April 9, 2007 and the Advisory Action mailed July 23, 2007.

AUG 08 2007**Examiner's Action and Applicant's Response**

The Examiner rejected Claims 1-2, 4-6, and 8 as obvious under 35 U.S. C. § 103 based on Rao in view of Aras, et al. ("Aras"). Applicant had amended Claims 1 and 5 to further define the invention. Claims 1, 2, 4-6 and 8 are pending.

Response to the Rejection of Claims 1, 2, 4-6, and 8 under 35 U.S.C. § 103(a)

The Examiner rejected Claims 1-2, 4-6, and 8 as obvious under 35 U.S. C. § 103 based on Rao in view of Aras, et al.

In his response on page 2 of the final Office Action to Applicant's arguments in reply to the prior non-final Office Action, the Examiner stated that Aras teaches that the switching of channel generates an event that is recorded and processed at a home station. The Examiner stated that Aras teaches that if the audio visual material (AVM) is a TV drama, it would be assigned a unique AVI [Audio-Visual Identifier]. The Examiner cited examples of such AVIs from Tables IV and V in Aras including FOX-MRP-0265 as indicating the Fox Network and another table entry in Table VI as indicating a switch to the Disney channel, and also showing a change to "Channel 6". The Examiner stated on page 4 and 5 of the Office Action that Aras teaches recording this information in a Behavior Collection Table (BCT). The Examiner concluded that it would be obvious to modify Rao's invention to include that the receivers transmit this BCT which include channels tuned by the user, for the advantage of statistical analysis.

In the Advisory Action, the Examiner stated on page 2 regarding Aras that:

"... a program identifier is associated with a channel. The program identifier indicates the channel tuned to. The content provider can determine which channels the user tuned to based on the program identifiers."

The Examiner further stated that:

"... claim 1 does not recite 'said channel indicating the channel currently tuned to ...' Instead it recites 'signal indicating the channel tuned to ...' Therefore, the Aras reference reads on that particular limitation."

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Applicant has amended Claim 1 to further define the invention by replacing "receiving a signal from each receiver of said plurality of receivers, said signal indicating the channel tuned and the previous channel tuned" with "receiving the channel number tuned and the last channel number tuned from each receiver of the plurality of receivers." Support for this amendment is found throughout the present specification, e.g., page 7, lines 14-18: "[e]ach receiver in the cable system network communicates the channel tuned when the receiver is turned on (CHON), or the previous channel viewed (CH-OLD) and the new channel (CII-NEW) selected when channels are changed, and the channel tuned when a user selects the 'off' button on a remote (CII-OFF), to the head-end system."

Applicant respectfully submits that Aras and Rao, either combined or singly, do not teach or suggest "receiving the channel number tuned and the last channel number tuned from each receiver of the plurality of receivers." Therefore, Applicant respectfully submits that Claim 1 is non-obvious based on Rao in view of Aras, et al. Claims 2 and 4 depend from Claim 1 and are thus respectfully submitted as being non-obvious for the reasons given above for Claim 1.

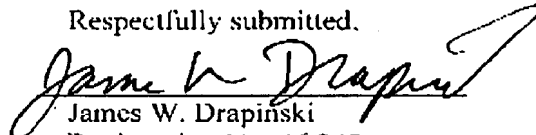
Claim 5 has been amended herein the same as for Claim 1 and is thus respectfully submitted as being non-obvious based on Rao and Aras for the reasons given above for Claim 1. Claims 6 and 8 depend from Claim 5 and are thus respectfully submitted as being non-obvious based on Rao and Aras for the reasons given above for Claim 5.

Conclusion

For the above reasons, Applicant respectfully submits that all pending claims, Claims 1, 2, 4, 6, and 8, in the present application are allowable. Such allowance is respectfully solicited.

If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (415) 984-8200.

Respectfully submitted,



James W. Drapinski
Registration No: 46,242

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Date

NIXON PEABODY LLP

Suite 900, 401 9th Street, N.W.

Washington, D.C. 20004-2128

Telephone: (415) 984-8200

Telefax: (202)-585-8080

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